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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,254	11/08/2001	Makoto Tomita	35.G2939	5021

5514 7590 02/10/2006

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NEW YORK, NY 10112

EXAMINER
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MILIA, MARK R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/986,254

Applicant(s)

TOMITA, MAKOTO

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-8,11-15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11-15 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 11/23/05 and has been entered and made of record. Currently, claims 1, 4-8, 11-15, and 18-21 are pending.

### ***Drawings***

2. Applicant's amendments to the specification to include reference characters previously omitted as overcome the objection to the Drawings as cited in the previous Office Action. Therefore the objection has been withdrawn.

### ***Specification***

3. Applicant's amendment to the specification to correct minor informalities has overcome the objection to the specification as cited in the previous Office Action. Therefore the objection has been withdrawn.

***Claim Rejections - 35 USC § 101***

4. Applicant's amendment to claims 15-21 to rewrite the claims in statutory form have overcome the rejection as cited in the previous Office Action. Therefore the rejection has been withdrawn.

***Response to Arguments***

5. Applicant's arguments filed 11/23/05 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the rejection of claims 1-21, particularly claim 1, wherein on pages 15-18, the applicant asserts that the reference of Schwartz fails to disclose determining an operation mode from among a plurality of operation modes based on a selection criterion and based on analysis of generated print data wherein the selection criterion is updated based on an acquisition result of a printing speed for print processing or the quality of print produced by the print processing. The examiner respectfully disagrees as Schwartz does disclose such features. Particularly, Schwartz discloses a print driver that analyzes data in real time, which suggests that an updating process must take place, and the print driver selects the optimum print model based on specification from the user and the print data analyzed (see column 3 lines 65-67 and column 4 lines 22-27 and 42-50). The user selects whether the print driver will select the optimum model based upon print speed or

quality and the print driver is capable of switching formats on a page-by-page basis. All of the above discloses a system analogous to the claimed invention. The newly added limitation of displaying an evaluation screen and acquiring an evaluation result input by a user via the evaluation screen will be addressed in the following rejection.

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation was found in the knowledge generally available to one of ordinary skill in the art.

### ***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 4-8, 11-15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Sampath.

Regarding claims 1, 8, and 15, Schwartz discloses a print control method, apparatus, and storage medium containing a print control program for performing print mode which is to a print request from processing in an operation mode which is

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automatically determined from among a plurality of operation modes in response to a print request from an application program (see column 1 lines 9-14 and column 4 lines 42-50), comprising: a print data generating step of generating print data in intermediate condition and temporarily storing the generated print data, wherein said print data generating step is responsive to the print request from the application program, and wherein the intermediate condition is independent of a particular page description language (see column 6 line 65-column 7 line 4 and column 11 lines 41-47), a print data analyzing step of analyzing the temporarily stored generated print data (see column 6 line 40-column 7 line 39, column 8 lines 34-52, column 9 lines 12-33, and column 11 lines 27-30), and a determination step of determining the operation mode from among the plurality of operation modes based on the analysis in said print data analyzing step (see column 3 lines 65-67, column 4 lines 22-27, column 7 lines 11-15, column 9 lines 12-25, and column 10 lines 19-26), a print processing step of processing the temporarily stored generated print data in accordance with the determined operation mode (see column 3 lines 65-67, column 4 lines 22-27, column 6 line 40-column 7 line 39, and column 9 lines 12-33), a response acquiring step in which, by querying evaluation of a printing speed for the print the quality of print produced by processing or the print processing, a response is acquired (see column 5 line 45-column 6 line 15 and column 6 line 65-column 7 line 20), and an updating step of updating the selection criterion based on an evaluation result (see column 3 lines 65-67 and column 4 lines 22-27 and 42-50).

Schwartz does not disclose expressly a display step of displaying an evaluation screen for querying evaluation of a printing speed for the print processing or for querying the quality of print produced by the print processing and an evaluation acquisition step of acquiring an evaluation result input by a user via the evaluation screen displayed in said displaying step.

Sampath discloses a display step of displaying an evaluation screen for querying evaluation of a printing speed for the print processing or for querying the quality of print produced by the print processing and an evaluation acquisition step of acquiring an evaluation result input by a user via the evaluation screen displayed in said displaying step (see column 6 lines 33-50, column 7 lines 7-49, and column 8 lines 1-20, reference states that the system detects the quality of an image which can be displayed for the user to view and augment and/or verify the results, which is analogous to the claim limitations).

Schwartz & Sampath are combinable because they are from the same field of endeavor, printing based on image quality.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the verifying or evaluating of image quality by a user, as described by Sampath and which is well known in the art, with the system of Schwartz.

The suggestion/motivation for doing so would have been to improve customer satisfaction and verify the results are that which the customer desires.

Therefore, it would have been obvious to combine Sampath with Schwartz to obtain the invention as specified in claims 1, 8, and 15.

Regarding claims 4, 11, and 18, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Schwartz further discloses a classification step of outputting classification data by analyzing the temporarily stored print data so that the print data is classified into one of classifications based on the type of the print data (see column 7 lines 21-31 and column 7 line 40-column 8 line 33, reference shows that print data is made up of one of three kinds of objects to be drawn, the three being bitmaps, graphics, and text and depending on which of these is to be output, the calculations about the processing and the selection of an optimal print model are decided), and a storage step in which, based on the evaluation result acquired in said evaluation acquisition step and the classification data output in said classification step, a the selection is updated (see column 3 lines 65-67, column 4 lines 22-27 and 42-50, column 6 line 40-column 7 line 11, column 8 lines 30-62, and column 9 lines 1-9, reference shows that data is stored in either the printer or the host and is processed depending on the type of print data in a particular manner).

Regarding claims 5, 12, and 19, Schwartz and Sampath disclose the system discussed in claims 4, 11, and 18, and Schwartz further discloses wherein, said determination step determines the operation mode also based on the classification data (see column 5 line 46-column 6 line 15 and column 6 line 40-column 8 line 62, reference shows that based on the print quality and speed and the type of print data, bitmap, graphic, or text, an optimal print mode is selected and the print data is processed accordingly).



Regarding claims 6, 13, and 20, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Sampath further discloses wherein said displaying step displays a plurality of options to query the evaluation of the printing speed for the print processing or the quality of print produced by the print processing, and wherein said evaluation acquisition step acquires a selected option as the evaluation result (see column 6 lines 33-50, column 7 lines 7-49, and column 8 lines 1-20, reference states that the system detects the quality of an image which can be displayed for the user to view and augment and/or verify the results, which is analogous to the claim limitations).

Regarding claims 7, 14, and 21, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Sampath further discloses a test-print designation step for designating a test print in which a process of querying the evaluation of the print is performed, wherein, when the test print is designated in said test-print designation step, the evaluation of the print is acquired in said evaluation acquisition step (see column 6 lines 37-50 and column 7 lines 39-49).

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

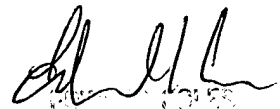
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRM

Mark R. Milia  
Examiner  
Art Unit 2622

  
SUPERVISOR  
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OVER